

Attorney's
Docket
Number CRP-056

Declaration, Petition and Power of Attorney For Patent Application

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

OSTEOGENIC PROTEIN

the specification of which

(check one)

X is attached hereto.

_____ was filed on _____ as

Application Serial No. _____

and was amended on _____
(if applicable)

I do not know and do not believe that the subject matter of this application was ever known or used in the United States before my invention thereof or patented or described in any printed publication in any country before my invention thereof or more than one year prior to the date of this application, and that said subject matter has not been patented or made the subject of an issued inventor's certificate in any country foreign to the United States on an application filed by me or my legal representatives or assigns more than twelve months prior to the date of this application; that I acknowledge my duty to disclose information of which I am aware which is material to the examination of this application, that no application for patent or inventor's certificate on the subject matter of this application has been filed by me or my representatives or assigns in any country foreign to the United States, except those identified below, and that I have reviewed and understand the contents of the specification, including the claims as amended by any amendment referred to herein.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

Check one:

☒ no such applications have been filed.

☐ such applications have been filed as follows

EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

Country	Application Number	Date of Filing (month,day,year)	Priority Claimed Under 37 USC 119
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

WO	89/01453	04/07/89
WO	89/01469	04/07/89
CA	596,143	04/07/89
CA	596,144	04/07/89

None of these foreign patent applications discloses the invention described in the application filed herewith.

CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112; I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application. As to subject matter of this application which is common to my earlier United States application, if any, described below, I do not believe that the same was ever known or used in the United States before my invention thereof or patented or described in any printed publication in any country before my invention thereof or more than one year prior to said earlier application, or in public use or on sale in the United States more than one year prior to said earlier application, that the said common subject matter has not been patented or made the subject of an inventor's certificate issued before the date of said earlier application in any country foreign to the United States on an application, filed by me or my legal representatives or assigns more than twelve months prior to said application and that no application for patent or inventor's certificate on said subject matter has been filed by me or my representatives or assigns in any country foreign to the United States except those identified herein.

<u>569,920</u> (Application Serial No.)	<u>08/20/90</u> (Filing Date)	<u>pending</u> (Status) (patented, pending, aband.)
<u>422,699</u> (Application Serial No.)	<u>10/17/89</u> (Filing Date)	<u>pending</u> (Status) (patented, pending, aband.)
<u>315,342</u> (Application Serial No.)	<u>02/23/89</u> (Filing Date)	<u>pending</u> (Status) (patented, pending, aband.)

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

John A. Lahive, Jr.	Reg. No. 19,788	David J. Powsner	Reg. No. 31,868
W. Hugo Liepmann	Reg. No. 20,407	William C. Geary III	Reg. No. 31,359
James E. Cockfield	Reg. No. 19,162	Michael I. Falkoff	Reg. No. 30,833
Mark G. Lappin	Reg. No. 26,618	David A. Jacobs	Reg. No. 31,770
Edmund R. Pitcher	Reg. No. 27,829	Jeremiah Lynch	Reg. No. 17,425
Thomas V. Smurzynski	Reg. No. 24,798	Ann-Louise Kerner	Reg. No. 33,523
Ralph A. Loren	Reg. No. 29,325	James E. Maslow	Reg. No. 29,953
Thomas J. Engellenner	Reg. No. 28,711	Giulio A. DeConti, Jr.	Reg. No. 31,503
		Elizabeth F. Enayati	Reg. No. 34,327

Send Correspondence to: Lahive & Cockfield
60 State Street
Boston, MA 02109

Direct Telephone Calls to: Edmund R. Pitcher, Esq.
(617) 227-7400

Wherefore I petition that letters patent be granted to me for the invention or discovery described and claimed in the attached specification and claims, and hereby subscribe my name to said specification and claims and to the foregoing declaration, power of attorney, and this petition.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor

Hermann Oppermann

Inventor's signature:

Date:

Residence:

25 Summer Hill Road, Medway, MA 02053

Citizenship:

U.S.A.

Post Office Address:

25 Summer Hill Road, Medway, MA 02053

Full name of second inventor, if any

Engin Ozkaynak

Inventor's signature:

Date:

Residence:

44 Purdue Drive, Milford, MA 01757

Citizenship:

Turkey

Post Office Address:

44 Purdue Drive, Milford, MA 01757

Full name of third inventor, if any

David C. Rueger

Inventor's signature:

Date:

Residence:

150 Edgemere Road, Apt. 4, West Roxbury, MA 02132

Citizenship:

U.S.A.

Post Office Address:

150 Edgemere Road, Apt. 4, West Roxbury, MA 02132

Full name of fourth inventor, if any

Thangavel Kuberasampath

Inventor's signature:

Date:

Residence:

6 Spring Street, Medway, MA 02053

Citizenship:

India

Post Office Address:

6 Spring Street, Medway, MA 02053

ASSIGNMENT

We, Hermann Oppermann, of Medway, MA; Engin Ozkaynak, of Milford, MA; David C. Rueger, of West Roxbury, MA; and Thangavel Kuberasampath, of Medway, MA, in consideration of One Dollar (\$1.00) and other valuable consideration paid to us by Creative Biomolecules, Inc., a corporation of Delaware, having its principal place of business at 35 South Street, Hopkinton, MA 01748, the receipt of which is hereby acknowledged, do hereby sell, assign and transfer unto said Creative BioMolecules, Inc., its successors and assigns, the entire interest for the United States of America and all foreign countries including all rights of priority under the International Convention for the Protection of Industrial Property in a certain invention or improvement in OSTEOGENIC PROTEIN described in an Application Serial No. _____, filed in the United States Patent and Trademark Office on _____, and in all Letters Patent of the United States and all foreign countries which may or shall be granted on said invention, or any parts thereof, or on said application, or any divisional, continuing, reissue or other applications based in whole or in part thereon. And we agree, for ourselves and our executors and administrators, with said corporation and its successors and assigns but at its or their expense and charges, hereafter to execute all applications, amended specifications, deeds or other instruments, and to do all acts necessary or proper to secure the grant of Letters Patent in the United States and in all other countries to said corporation, with specifications and claims in such form as shall be approved by the counsel of said corporation and to vest and confirm in said corporation, its successors and assigns, the legal title to all such patents.

And we do hereby authorize and request the Commissioner of Patents and Trademarks of the United States to issue such Letters Patent as shall be granted upon said application or applications based thereon to said corporation, its successors and assigns.

WITNESS our hand and seal this day of
1990.

Hermann Oppermann

Engin Ozkaynak

David C. Rueger

Thangavel Kuberasampath

State of Massachusetts)
) ss.
County of _____)

Then personally appeared the above named Hermann Oppermann, Engin Ozkaynak, David C. Rueger, and Thangavel Kuberasampath, and acknowledged the foregoing instrument to be their free act and deed, before me, this day of
 , 1990.

Notary Public

My commission expires:_____